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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,001	03/11/2005	Toshiro Ishida	034185-054	2765
21839	7590	04/07/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			WEST, PAUL M	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/500,001		ISHIDA, TOSHIRO	
	Examiner		Art Unit	
	Paul M. West		2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03112005,04072005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 21, line 12, "the control unit" is identified using two different reference numbers. On page 24, lines 3 and 4, "the second electrode" is identified using two different reference numbers. On page 24, lines 22 and 23, "the transversally sealed portion" is identified using two different reference characters. Further, the disclosure contains numerous other grammatical and/or spelling errors and instances of unclear or awkward wording.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasumoto (6,794,885) in view of Kakumoto et al (4,243,932).

4. Regarding claim 1, Yasumoto teaches a sealed condition inspection device comprising: a support unit 4 for supporting an element 3 to be inspected; a pair of electrodes 5,6 in contact with the portion to be inspected and supported by the support unit; and an electrical variable detecting unit 8 for detecting an electrical variable in the

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portion to be inspected. Yasumoto does not explicitly teach a device for judging the sealed condition based on the electrical variable, however Yasumoto does teach using the electrical variable to determine the sealed condition (Col. 3, lines 60-65). Kakumoto et al. teach an apparatus which uses a pair of electrodes 2,3 to detect an electrical variable of an element 4, and device 5 for judging the sealed condition of the element 4 based on the electrical variable. It would have been obvious to one of ordinary skill in the art to combine the teachings of Kakumoto with those of Yasumoto because a judging device is a way to automate the determination process and thereby make it more efficient and consistent.

5. Regarding claim 2, Yasumoto (6,794,885) teaches the support 4 being a conveyor for conveying the element to be inspected.

6. Regarding claim 4, Yasumoto (6,794,885) does not explicitly state that the electrodes are movable disposed, however Yasumoto does disclose the electrodes 5,6 approaching the element 3 from above and below. It would have been obvious to one of ordinary skill in the art to make the upper electrode elements 6 retractable in order to allow for differently sized packages to be inspected as well as to prevent damage to the packages as they are moved along the conveyor.

7. Regarding claim 5, Yasumoto (6,794,885) teaches the upper electrode 6 consisting of multiple electrode elements (Fig. 1).

8. Claims 1 and 3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasumoto (6,288,554) in view of Kakumoto et al (4,243,932).

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9. Regarding claim 1, Yasumoto (6,288,554) teaches a sealed condition inspection device comprising: a support unit 4 for supporting an element 3 to be inspected; a pair of electrodes 4,5 in contact with the portion to be inspected and supported by the support unit; and an electrical variable detecting unit 7 for detecting an electrical variable in the portion to be inspected. Yasumoto does not specifically teach a device for judging the sealed condition based on the electrical variable, however Yasumoto does teach using the electrical variable to determine the sealed condition (Col. 3, lines 60-63). Kakumoto et al. teach an apparatus which uses a pair of electrodes 2,3 to detect an electrical variable of an element 4, and device 5 for judging the sealed condition of the element 4 based on the electrical variable. It would have been obvious to one of ordinary skill in the art to combine the teachings of Kakumoto with those of Yasumoto because a judging device is a way to automate the determination process and thereby make it more efficient and consistent.

10. Regarding claim 3, Yasumoto (6,288,554) teaches the support unit 4 being a receiving board for receiving the element to be inspected to mount the element.

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note that Yasumoto (5,760,295) teaches using a pair of electrodes and measuring an electrical variable to determine a sealed condition of a package.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul M. West whose telephone number is (571) 272-8590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800